

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE	)	PDC CASE NO: #04-419
WITH RCW 42.17	)	
	)	REPORT OF INVESTIGATION
C. Foster Rose	)	
	)	
<u>Respondent.</u>	)	

I.

**Background**

- 1.1 On April 10, 2003, Charles Foster Rose Jr. filed a Candidate Registration Statement (PDC Form C-1), declaring his candidacy of the office of Mayor of Bellingham for the 2003 election. **See Exhibit #1.** Mr. Rose lost in a three-way contested primary election to the incumbent Bellingham Mayor Mark Asmundson, and to mayoral candidate Brett Bonner.
- 1.2 A newspaper article that ran in the Bellingham Herald on October 22, 2003, stated that Foster Rose sought a top city job in Bellingham from Brett Bonner, a candidate for Bellingham Mayor, and incumbent Bellingham Mayor Mark Asmundson in exchange for his endorsement. The article went on to provide the details of conversations the reporter had with Mr. Rose, Mr. Bonner and Mayor Asmundson.
- 1.3 Based on the newspaper article that ran in the Bellingham Herald on October 22, 2003, Vicki Rippie, Executive Director of the Public Disclosure Commission (PDC) filed a formal complaint against Mr. Rose on January 16, 2004, alleging that he offered his endorsement to Mayor Asmundson and Mr. Bonner, on the condition that he be appointed to a paid position of employment with the City of Bellingham, an alleged violation of RCW 42.17.770. **See Exhibit #2.**

## II.

### Scope

- 2.1 Staff reviewed the allegations listed in the PDC staff generated complaint against C. Foster Rose.
- 2.2 Interviews were conducted under oath with the following individuals as part of this investigation:
  - Telephone interview with C. Foster Rose on March 23, 2004;
  - Telephone interview with Brett Bonner, a candidate for Bellingham Mayor in 2003, on March 24, 2004;
  - Telephone interview with Mark Asmundson, Mayor of Bellingham, on April 13, 2004.

## III.

### Law

- 3.1 **RCW 42.17.020(8)** states in part the following

"Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
- (b) Announces publicly or files for office;
- (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or
- (d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection."

- 3.2 **RCW 42.17.770** states the following regarding the solicitation of endorsement fees:

“A person may not solicit from a candidate for public office, political committee, political party, or other person money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.”

#### IV.

#### Findings

- 4.1 On April 10, 2003, Charles Foster Rose Jr. filed a Candidate Registration Statement (PDC Form C-1), declaring his candidacy for the office of Mayor of Bellingham for the 2003 election. Mr. Rose had previously been a candidate for the Bellingham City Council, and was elected to two terms as councilman serving from 1986-1994. Mr. Rose lost in a three-way contested primary election to the incumbent Bellingham Mayor Mark Asmundson, and to mayoral candidate Brett Bonner.
- 4.2 A newspaper article that ran in the Bellingham Herald on October 22, 2003, stated that Foster Rose sought a top city job in Bellingham from Brett Bonner, a candidate for Bellingham Mayor, and incumbent Bellingham Mayor Mark Asmundson in exchange for his endorsement of their campaigns. The article went on to provide the details of conversations the reporter had with Mr. Rose, Mr. Bonner and Mayor Asmundson.
- 4.3 Based on the newspaper article that ran in the Bellingham Herald on October 22, 2003, Vicki Rippie, Executive Director of the Public Disclosure Commission (PDC) filed a formal complaint against C. Foster Rose on January 16, 2004, alleging violations of RCW 42.17.770 for offering his endorsement to two other mayoral candidates on the condition that he be appointed to a paid position of employment with the City of Bellingham.
- 4.4 Mr. Rose stated during his interview that he and Mayor Asmundson were in attendance sometime in June of 2003, at a Saturday coffee/social of the local democrats. The meeting was not officially aligned with the Whatcom County or Washington State Democratic Party. At the time, both individuals had declared their candidacies for the office of Mayor of Bellingham.

He said that the meeting was not a candidate forum, that it was informal in nature and during the meeting both candidates were allowed an opportunity to say a few words about their respective campaigns. Mr. Rose went on to state that at that meeting somebody asked him if he would support Mark Asmundson if he lost, and he said that he would.

#### **Initial Foster Rose Solicitation for Endorsement-Brett Bonner**

- 4.5 A telephone interview under oath with Mr. Rose was conducted on March 23, 2004. **See C. Foster Rose Interview Transcript, Exhibit #3.** During the interview, Mr. Rose said that he had been elected to the Bellingham City Council twice, serving two terms from 1986-1994, and he said he had been a candidate for Bellingham City Council on three occasions. Mr. Rose stated that he ran for Mayor in 2003 to promote his ideas for changes that he felt were needed in the City of Bellingham. He attended a number of candidate forums with both of his opponents, incumbent Bellingham Mayor Mark Asmundson, and Brett Bonner, a local Bellingham radio person.
- 4.6 Mr. Rose stated that shortly after being defeated in a three-way contested primary election for Bellingham Mayor, he contacted Brett Bonner, one of his primary opponents, and requested a meeting over coffee or breakfast. Mr. Rose stated he contacted Mr. Bonner to see how his campaign was going, and he said they had a long discussion about Mr. Bonner's campaign positions and goals. After the discussion, Mr. Rose said he felt Mr. Bonner was at least as good as the incumbent mayor, if not a better candidate. Mr. Rose said he asked Mr. Bonner if he was interested in his support since Mr. Rose was more inclined to support him as opposed to the incumbent mayor. Mr. Rose stated that he would endorse Mr. Bonner in exchange for Mr. Bonner hiring him as Deputy Mayor of Bellingham. Mr. Rose stated the following about the solicitation:

**"...I had no idea that I was breaking the law. I mean there is nothing in any of the PDC literature that I received that indicates that, and I said you know, I'd be happy to support you if you could hire me in some capacity, perhaps Deputy Mayor or whatever. That would assure that I can promote my campaign ideas because I really think this community needs to change and it's not."**

- 4.7 A telephone interview under oath was conducted with Brett Bonner, a candidate for the office of Mayor of Bellingham during the 2003 election, on March 24, 2004. **See Brett Bonner Interview Transcript, Exhibit #4.** Mr. Bonner stated that he received a phone call from Mr. Rose requesting a meeting. Mr. Bonner went on to say they met for breakfast on the morning of September 19, 2003, at a local restaurant. He said the meeting lasted a little more than one hour, in which Mr. Rose interviewed Mr. Bonner informally about his positions on a number of issues. Mr. Bonner said they discussed their political philosophies, and Mr. Bonner said that he and Mr. Rose had more in common than either one of them initially would have thought.
- 4.8 Mr. Rose then brought up the issue of endorsing Mr. Bonner for Mayor, and said he would consider endorsing Mr. Bonner if he made it worth his while by offering Mr. Rose the Deputy Mayor position if Mr. Bonner was elected. Mr. Bonner stated the following about that discussion:
- “...I was a little thrown aback. He was looking at his future. And I said well I hadn’t really even given any thought to that. Oh and he had said it would be political suicide if he endorsed me with out having something that he could count on. So anyway I said I hadn’t really thought about it and I said I would think about it and I would get back to him.”**
- 4.9 Mr. Rose said he indicated to Mr. Bonner that he would be inclined to endorse his campaign, but that in doing so he would be taking a risk, and therefore would endorse Mr. Bonner’s candidacy if he would be appointed Deputy Mayor of Bellingham. Mr. Bonner contacted Mr. Rose the next week following the breakfast meeting and informed him that he could not offer him the deputy mayor position, should he be elected.
- 4.10 At the time of his endorsement solicitation, Mr. Rose stated he was not aware of the salary paid for the Deputy Mayor position, but was subsequently surprised to learn that the salary paid was \$90,000. He stated that when he was a Bellingham City Councilman from 1986-1994, there was no Deputy Mayor position and that creating the position was something good that Mayor Asmundson had implemented. Mr. Rose stated that while he was interested in the salary, the salary was not his primary reason for seeking the position.

- 4.11 When asked if Mr. Rose had mentioned any other position he was interested in, Mr. Bonner said he had not, and said Mr. Rose said he thought the deputy mayor position was a “key position.” Mr. Rose stated during his interview that Mr. Bonner had turned down his initial solicitation for endorsement.

**Foster Rose Solicitation for Endorsement-Mayor Mark Asmundson**

- 4.12 A telephone interview under oath with Bellingham Mayor Mark Asmundson was conducted on April 13, 2004. **See Mark Asmundson Interview Transcript, Exhibit #5.** During the interview, Mr. Asmundson stated that he had recently been elected to his third term as Bellingham Mayor, and prior to that had served as a Bellingham City Councilman for nine years. He stated that he served on the city council with Foster Rose, and that Mr. Asmundson was off of the council for two years prior to seeking the position of Mayor of Bellingham.
- 4.13 Mr. Asmundson stated that both he and Mr. Rose were in attendance at a Saturday coffee/social of the local democrats sometime in June of 2003. He stated that both candidates were “democratically aligned” and that their supporters were mostly “Democrats”, despite the fact that the office of Mayor of Bellingham is a non-partisan position. Mr. Asmundson confirmed that at this coffee social, both he and Mr. Rose indicated that if either one was defeated, their intent was to support the other candidate, as stated by Mr. Rose previously in this report.
- 4.14 Mr. Rose indicated that after Mr. Bonner had said “no” to his solicitation offer to endorse his campaign, he initially felt that he did not want to have anything to do with either candidate for the Mayor of Bellingham. Mr. Rose stated that after he lost in the primary he felt he was being pressured by some individuals in the community to endorse Mayor Asmundson because they were concerned about whether he was going to win in the general election.
- 4.15 Mr. Rose stated that some of the people in attendance at the June informal coffee meeting of democrats reminded him that he had said he would endorse the incumbent mayor in the election if he was defeated in the primary. He said he felt some people were pressuring him to endorse the Mayor’s campaign as well. Mr. Rose further stated that he struggled with that since he was not a big fan of Mayor Asmundson. He went on to state the following:

**“And I just thought, you know why endure all of this when I can just go ahead, endorse the mayor and then it’s all over. Then I thought if I’m gonna do this I might as well make the same offer available to him that I made available to Brett.”**

- 4.16 Mr. Rose stated that Mr. Asmundson contacted him to set up a meeting. At that meeting, Mr. Rose stated they discussed things about the mayor’s administration and the fact that he was disappointed with how he felt the mayor had “turned off and discouraged the business community.” Mr. Rose said he felt that he could be an asset to the mayor, if Mr. Asmundson was willing to help him out with the Deputy Administrator position. Mr. Rose went on to state the following:

**“... And I said, ‘Well...I’m not gonna do it for nothing. I would like a position in your administration because I’m just not gonna sit here and help you out when I haven’t been that happy with the past.’ And he just said, ‘Okay....’ He never said he would do it. He meant okay I understand, not okay that’s a deal or anything. And then that was the end of our discussion and I...never heard from him again.”**

- 4.17 Mr. Asmundson stated that he had no contact with Mr. Rose for at least several days, and for as many as a couple of weeks after the primary election. Mr. Asmundson said that some of his campaign volunteers were asking him why Mr. Rose had not endorsed his campaign, and began pressuring him to contact Mr. Rose and ask him to endorse his re-election campaign.

- 4.18 Mr. Asmundson contacted Mr. Rose and requested a meeting to discuss the possibility of Mr. Rose endorsing his campaign. Mr. Rose agreed to the meeting, and the next day they met at a local restaurant and discussed campaign issues. Mr. Rose said he was especially concerned about what he felt was a lack of attention the city, and more specifically the mayor’s office, had given to small businesses operating within the City of Bellingham. The discussion lasted between 20-30 minutes, and Mr. Asmundson stated the following about Mr. Rose:

**“...he said, ‘I have been offered the position of deputy mayor by the Bonner campaign...’ and he said, ‘I know you have Don Keenan in that position in Bellingham.’ It’s the guy that actually serves. It’s not deputy mayor it’s deputy administrator. You know it’s just a job title. He said, ‘I know Don’s already had that**

**job and I know things are tight with local government but you think about what you can do and maybe we'll have something to talk about.' And then I sat there with kind of this wide-eyed stunned reaction and said, 'Well thanks for your time.' And I got up and left."**

- 4.19 Mr. Rose stated that after the meeting with Mr. Asmundson, in which Mr. Asmundson did not accept Mr. Rose's solicitation of endorsement, he felt pressure continuing to mount for him to endorse the mayor. He said that was something he didn't want to do. Mr. Rose went on to state the following:

**"...But there was a subsequent meeting in his campaign headquarters. There were a number of his supporters there and then there was one of my campaign supporters as well... and I went in there and essentially told his committee the same thing that I had told Brett some weeks ago that I would be, you know, be interested in endorsing him if there were a position available for me."**

- 4.20 Mr. Asmundson stated that as Mayor of Bellingham, he has the discretion to hire the Deputy Administrator, but that the Deputy Administrator position was already filled by someone who he had confidence in, and he had no desire for a change. He stated that the Deputy Administrator is an excellent job with a salary of about \$90,000 per year. The Deputy Administrator spends about 40% of his time developing the administrative services for the public facilities district that was created. Mr. Asmundson went on to state that the position is related to citizen issues and customer related service, local neighborhood development, and troubleshooting with situations that arise on a daily basis. The person in that position is not a manager of other city departments, but may play a role interacting with other departments as needed.

#### **Foster Rose Follow-up Solicitation for Brett Bonner Endorsement**

- 4.21 Mr. Bonner stated that there was no further contact with Mr. Rose until Mr. Rose contacted him again on October 2, 2003, requesting a meeting with the Bonner campaign. Mr. Bonner indicated that his campaign conducted weekly meetings on Mondays with the "Bonner brain trust", and that the next meeting was to be held on October 6, 2003. Mr. Rose was invited to attend that meeting which took place at 4:00 p.m. on October 6th. Mr. Rose showed up with another person from his campaign, and Mr. Bonner



said he thought there were about 12 or 13 people other than Mr. Rose in the room at the meeting.

- 4.22 During the meeting, Mr. Rose addressed the group and stated what issues were important to him and said they needed to work together for the City of Bellingham. He said a lot could be accomplished if they all worked together. Mr. Bonner went on to state the following:

**“But it got down to he (referring to Mr. Rose) would not feel comfortable coming on board without a commitment of some sort to playing an active role in a future administration. And I mentioned that...I’d certainly keep him in mind for something like that. And he wasn’t too keen on the idea. He said he really needed a commitment and he was hemming and hawing and it finally got to the point where one of the people in the room who is a Bellingham police lieutenant, he said, ‘are you saying that you won’t endorse us without being offered the deputy mayor job?’ And Foster said ‘yes.’ ”**

- 4.23 Mr. Bonner indicated that after the October 6, 2003 meeting, they set up a meeting with Mr. Rose on the following day at the campaign headquarters. At that meeting, Mr. Bonner informed Mr. Rose that he would not accept his endorsement in exchange for the deputy mayor position, if elected. Mr. Bonner went on to say that he told Mr. Rose he wasn’t willing to do that, and that there were a number of other people that had volunteered for his campaign and not one of them had asked him for a job or anything else. Mr. Bonner said Mr. Rose understood, and said he could still work behind the scenes to help out the Bonner campaign.

#### **Foster Rose notification of his endorsement of Mark Asmundson**

- 4.24 Mr. Rose indicated that after his second solicitation of his endorsement to Mr. Bonner had been rejected, he felt that was the end of the issue. But he stated that people (not associated with the Asmundson campaign) were still contacting him about endorsing the mayor. Mr. Rose went on to state that he thought he would just endorse the mayor and get those people off his back, and just get the whole thing over with. Mr. Rose stated he drafted an endorsement letter for the mayor, and that he probably emailed it to the mayor, and also emailed it to the Bellingham Herald. Mr. Rose stated he then sent a courtesy copy to Mr. Brett Bonner

because he felt that if he were Mr. Bonner, he would want to know in advance rather than after the fact.

- 4.25 On October 16, 2003, Mr. Rose sent a letter to the Editor of the Bellingham Herald, with a courtesy copy to Mr. Bonner expressing his thanks for the campaign support he received during the course of his campaign. The letter went on to state some of Mr. Rose's visions and goals for the City of Bellingham, and included suggestions to improve the Bellingham community. The letter went on to include the following statement:

**"I have met with each Mayoral candidate to evaluate them on the issues near and dear to me. After much thoughtful consideration, I have determined that I will vote for Mayor Mark Asmundson and I encourage you to do the same."**

- 4.26 Mr. Bonner said his campaign received a forwarded email from Mr. Rose on October 17, 2003, regarding his endorsement of Mark Asmundson for Bellingham Mayor. Mr. Bonner stated the following with regard to the email:

**"... and before I was done reading it I had a phone call from the Bellingham Herald and the reporter said, 'I'm hearing rumblings out there that he offered to endorse you.' And so that's actually when the story came out.... I wasn't done reading it and John Stark from the Herald called me. And at that point, because I hadn't said anything to anybody about this whole thing, at that point, it was like... you endorse the other guy after going through all this stuff? I'm telling the Herald everything."**

- 4.27 Mr. Rose stated that he was sure that someone from the Brett Bonner campaign was upset with him over the solicitation and endorsement issue and went to the Herald. Mr. Rose stated the following about the newspaper article in the Herald in which it was reported that he had broken PDC law:

**"And it wasn't until that point that it ever occurred to me that I had broken any laws. I read it, or actually John Stark (a reporter with the Bellingham Herald) had called me before he ran the story in the paper and asked me whether or not I knew I had broke the law, and I said, of course not I didn't know I broke the law. I didn't even know there was one. And he, and then he started to**

**tell me about some initiative that was passed... And I said, well if that's the case I'm sorry, but I had no idea that was the case."**

- 4.28 Mr. Bonner stated that it was his personal opinion that Mr. Rose was not aware that it was against the law to solicit the position of Bellingham Deputy Mayor in exchange for his endorsement. Mr. Bonner went on to say that he felt Mr. Rose's solicitation for a paid position in exchange for his endorsement was "sleazy", and may have been "politics as usual", but said he felt it is not normally something that is done that blatantly.
- 4.29 In all matters related to this investigation, Charles Foster Rose has fully cooperated.

Respectfully submitted this 10<sup>th</sup> day of May, 2004.

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Kurt Young  
Chief Political Finance Specialist

### **List of Exhibits**

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| <b>Exhibit #1</b> | Candidate Registration Statement filed on April 10, 2003, by Charles Foster Rose Jr. |
| <b>Exhibit #2</b> | PDC staff generated complaint filed on January 16, 2004, against C. Foster Rose.     |
| <b>Exhibit #3</b> | C. Foster Rose Interview Transcript  |
| <b>Exhibit #4</b> | Brett Bonner Interview Transcript  |
| <b>Exhibit #5</b> | Mark Asmundson Interview Transcript  |